

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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JOSE GALLIMORT,

Plaintiff,

v.

J. FALISZEK, et al.,

Defendants.

Case No. 2:18-cv-01052-GMN-NJK

ORDER

I. DISCUSSION

On June 8, 2018, Plaintiff, a prisoner in the custody of the Nevada Department of Corrections ("NDOC"), submitted a civil rights complaint pursuant to 42 U.S.C. § 1983 and filed an application to proceed *in forma pauperis*. (ECF Nos. 1, 1-1). On June 12, 2018, this Court issued an order denying the application as incomplete and directed Plaintiff to file a fully complete application to proceed *in forma pauperis* or pay the full filing fee within 30 days from the date of that order. (ECF No. 3). Plaintiff subsequently filed an application to proceed *in forma pauperis* and an inmate account statement. (ECF No. 4). Plaintiff did not file a properly executed financial certificate, i.e., page 4 of the application. As such, this application is also incomplete.

Pursuant to 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an application to proceed *in forma pauperis* and attach both an inmate account statement for the past six months and a properly executed financial certificate. Plaintiff has not submitted a properly executed financial certificate. (See ECF No. 4). The Court

1 will retain Plaintiff's civil rights complaint (ECF No. 1-1), but will not file it until the matter
2 of the payment of the filing fee is resolved. Plaintiff will be granted one final opportunity
3 to cure the deficiencies of his application to proceed *in forma pauperis* by filing a properly
4 executed financial certificate or, in the alternative, pay the full filing fee for this action. If
5 Plaintiff fails to file a properly executed financial certificate, the Court will dismiss the case
6 in its entirety, without prejudice, to file a new case when Plaintiff is able to acquire the
7 necessary documents to file a complete application to proceed *in forma pauperis*.

8 **II. CONCLUSION**


9 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court SHALL
10 SEND Plaintiff the approved form application to proceed *in forma pauperis* by a prisoner,
11 as well as the document entitled information and instructions for filing an *in forma pauperis*
12 application.

13 IT IS FURTHER ORDERED that, within **thirty (30) days** from the date of this order,
14 Plaintiff shall either: (1) file a properly executed financial certificate in compliance with 28
15 U.S.C. § 1915(a); or (2) pay the full \$400 fee for filing a civil action (which includes the
16 \$350 filing fee and the \$50 administrative fee).

17 IT IS FURTHER ORDERED that, if Plaintiff fails to timely file a properly executed
18 financial certificate, the Court will dismiss the case, without prejudice, for Plaintiff to file a
19 new case when he is able to acquire the necessary documents to file a complete
20 application to proceed *in forma pauperis*.

21 IT IS SO ORDERED.

22 DATED THIS 20th day of July 2018.

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26 NANCY J. KOPPE
27 UNITED STATES MAGISTRATE JUDGE
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